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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8019 OF 2006

Vijay D. Kondke ... Petitioner

V/s

Lilabai Rajaram More & ors. ... Respondents

Mr. Rajiv A. Jadhav i/by Mr. Y.R. Shah for the petitioner.

Mr. R.B. Jagtap for respondent Nos. 5 to 7.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 13TH APRIL, 2007.

P.C.:

1. Rule. Returnable forthwith.

2. This petition has been filed for setting aside the order passed on 10.11.2006 by the Trial Court. The Trial Court has rejected the applications which were filed at Exh.Nos. 149 and 151. These applications were filed for an adjournment in order to cross-examine the witnesses of the plaintiffs, the respondents herein. The Trial Court disallowed the applications and hence the present petition.

3. Mr. Jagtap appearing for the respondents states

that an application has already been filed before the Trial Court by the plaintiffs stating that they have no objection if the petitioner is permitted to cross-examine their witnesses.

4. In view of these circumstances, the petition is allowed in terms of prayer clause (a). The impugned orders are set aside.

5. The Trial Court had already been directed by the order dated 1.9.2005 to dispose of the civil suit before 31.12.2005. However, in view of the pendency of this petition, the matter has prolonged. The Trial Court is, therefore, directed to dispose of the Civil Suit No. 1329 of 2005 by 31.12.2007.

(SMT. NISHITA MHATRE, J.)